

THE HON’BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON’BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1735 OF 2005

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DATED : 19.09.2005

Between:

The Commandant, Central Industrial Security Force

And others

...Petitioners

A n d

Abdul Kathar S/o Late Abdul Majeed

R/o H.No.7/55, Machabolarum, Sec’bad.

...Respondent

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JUDGMENT: (Per Hon'ble Sri Justice B.Prakash Rao)

Heard both sides and at their request, the main Appeal itself is taken up for disposal.

The appellants are aggrieved against the orders of the learned single Judge allowing the writ petition only to the effect of modifying the punishment from 'removal from service' to that of 'compulsory retirement'.

Having heard the learned counsel on either side and on perusal of the material, it is seen that admittedly, there have been three charges laid against the respondent herein, of which charges 1 and 2 are trivial in nature and charge No.3 constituted the main offence. However, it was held that the third charge was not proved. Therefore, in the absence of the substantial charge being proved, no motive can be attributed against the respondent herein.

Taking into consideration the aforesaid aspects, the learned single Judge has rightly modified the punishment. In view of the reasons given and the discretion already exercised by the learned single Judge, we do not find any merits in this appeal.

The Writ Appeal is accordingly dismissed. No costs.

B.PRAKASH RAO, J

Dr. G.YETHIRAJULU, J

19th September 2005

RAR